

05-1378-CD

North State Hardwoods vs Tri Woods Inc.

North State Hardwoods vs. Tri Woods, Inc.  
2005-1378-CD

NORTH STATE HARDWOODS,  
Plaintiff  
v.  
TRI WOODS, INC., a  
Pennsylvania Corporation,  
Defendant

: IN THE COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
: CIVIL DIVISION - LAW  
: NO. 2005-1378-CV

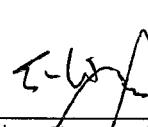
NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL ASSISTANCE TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Pennsylvania Lawyer's Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
800-692-7375

  
Edwin W. Smith, Esquire  
Attorneys for Plaintiff

1

FILED  
SEP 06 2005  
on 14:00  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 cent to Staff.

NORTH STATE HARDWOODS, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
v. :  
: CIVIL DIVISION - LAW  
TRI WOODS, INC., a :  
Pennsylvania Corporation, :  
Defendant : NO.

C O M P L A I N T

AND NOW comes the plaintiff, North State Hardwoods, by and through its attorneys undersigned, Ely & Smith and set forth their Complaint against the defendant, Tri Woods, Inc., as follows:

1. The plaintiff, North State Hardwoods, is a corporation organized and existing under the laws of the State of North Carolina, having its principal place of business at P.O. Box 3502, 1305 Wilkesboro Boulevard, Suite B, Lenoir, NC 28645.

2. The defendant, Tri Woods, Inc., is a corporation organized and existing under the laws of the State of Pennsylvania having its principal place of business at 305 Aspen Way, DuBois, PA 15801.

3. At the special instance and request of the defendant, plaintiff sold and delivered to defendant certain goods, wares and merchandise, as more fully set forth in the invoices which are incorporated herein by reference and attached hereto as Exhibit "A".

4. Defendant, Tri Woods, Inc., received and accepted said goods, wares and merchandise.

5. Plaintiff regularly sent defendant statements which were received by defendant without exception so as to constitute an account stated.

6. All credits to which defendant may be entitled are set forth in Exhibit "A".

7. Plaintiff is entitled to interest at the rate of 18 per cent per annum from the due date of said obligation.

8. Despite repeated demands for payment, defendant has willfully failed and refused to make payment of the balance.

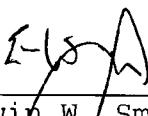
9. Plaintiff has performed all conditions precedent to recovery.

WHEREFORE, plaintiff demands judgment against defendant in the amount of \$38,159.00 with interest from the date of this complaint, and reasonable attorneys fees and costs.

Respectfully submitted,

ELY & SMITH

By

  
Edwin W. Smith, Esquire  
Attorney for Plaintiff  
23 West Tenth Street  
Erie, PA 16501  
814-455-1381

TRIAL BY JURY OF  
TWELVE DEMANDED

NORTH STATE HARDWOODS, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
v. : OF CLEARFIELD COUNTY, PENNSYLVANIA  
: :  
TRI WOODS, INC., a : CIVIL DIVISION - LAW  
Pennsylvania Corporation, :  
Defendant : NO.

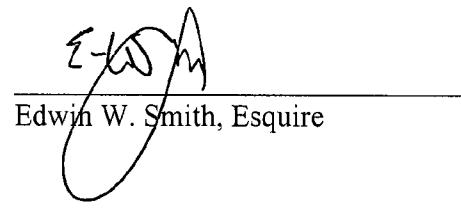
**AFFIDAVIT**

STATE OF PENNSYLVANIA

ss.

COUNTY OF CLEARFIELD

Edwin W. Smith, Esq., being duly sworn according to law, deposes and says that he is the attorney for the Plaintiff; that he is authorized to make this affidavit on behalf of the Plaintiff; that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief, and the said knowledge being based not on actual knowledge of his own but on information supplied to him by the Plaintiff herein; that this affidavit is made in order to expedite the disposition of the litigation and that an affidavit of the Plaintiff will be supplied on demand. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

  
Edwin W. Smith, Esquire

**North State Hardwoods**  
**PO Box 3502**  
**1305 Wilkesboro Blvd. Suite B**  
**Lenoir, NC 28645**

**Invoice**

Invoice Number: 7406  
 Invoice Date: 9/27/04  
 Page: 1

Voice: 828-757-3112  
 Fax: 828-757-3102

Sold To:

Ship To

Tri Woods Inc.  
 305 Aspen Way  
 Du Bois, PA 15801

Fax No.

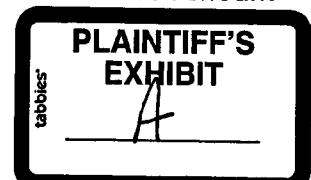
Customer ID	Customer PO	Payment Terms	
Tri Woods Inc.		1% 10, Net 30 Days	
Sales Rep	Shipping Method	Ship Date	Due Date
RS	8661		10/27/04

Quantity	Item	Description	Unit Price	Extension
13,356.00		5/4 RED OAK 1C KD S2S	1.5000	20,034.00

A discount of 151.84 will be allowed if paid within the terms stated.

A late Charge of 1.5% per month will be charged on all past due balances.  
 If Applicable law requires a lesser charge, the maximum allowable charge will apply.

Subtotal 20,034.00  
 Sales Tax  
 Freight  
 Total Invoice Amount 20,034.00



tabbies®

**North State Hardwoods**  
**PO Box 3502**  
**1305 Wilkesboro Blvd. Suite B**  
**Lenoir, NC 28645**

**Invoice**

Invoice Number: 7574  
 Invoice Date: 10/14/04  
 Page: 1

Voice: 828-757-3112  
 Fax: 828-757-3102

Sold To:

Ship To

Tri Woods Inc.  
 305 Aspen Way  
 Du Bois, PA 15801

Fax No.

Customer ID	Customer PO	Payment Terms	
Tri Woods Inc.	RYAN	1% 10, Net 30 Days	
Sales Rep	Shipping Method	Ship Date	Due Date
RS	Best Way		11/13/04

Quantity	Item	Description	Unit Price	Extension
12,500.00		5/4 RED OAK 1C KD S2S 1 3/16"	1.4500	18,125.00

A discount of 132.25 will be  
 allowed if paid within the terms stated.

Subtotal	18,125.00
Sales Tax	
Freight	
Total Invoice Amount	18,125.00

A late Charge of 1.5% per month will be charged on all past due balances.  
 If Applicable law requires a lesser charge, the maximum allowable charge will apply.

**FILED**

**SEP 06 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

NORTH STATE HARDWOODS,  
Plaintiff  
v.  
TRI WOODS, INC., a  
Pennsylvania Corporation,  
Defendant

: IN THE COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
: CIVIL DIVISION - LAW  
: NO. 2005-1378-CD

NOTICE

FILED NO CC  
m/11/2005  
OCT 28 2005 JS

TO: Tri Woods, Inc.  
305 Aspen Way  
Dubois, PA 15801  
DATE OF NOTICE: October 26, 2005

William A. Shaw  
Prothonotary/Clerk of Courts

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
800-692-7375

*E-W/AS*  
Edwin W. Smith, Esquire  
Attorneys for Plaintiff  
23 West Tenth Street  
Erie, PA 16501  
814/455-1381

**FILED**

**OCT 28 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100794  
NO: 05-1378-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: NORTH STATE HARDWOODS  
vs.  
DEFENDANT: TRI WOODS INC.

**SHERIFF RETURN**

NOW, September 30, 2005 AT 11:27 AM SERVED THE WITHIN COMPLAINT ON TRI WOODS INC. DEFENDANT AT 305 ASPEN WAY, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO RYAN HORCHEN, OWNER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	ELY	28873	10.00
SHERIFF HAWKINS	ELY	28873	36.80

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2006

So Answers,

  
Chester A. Hawkins  
Sheriff

FILED  
01/11/2006  
JAN 11 2006

William A. Shaw  
Prothonotary/Clerk of Courts

NORTH STATE HARDWOODS, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
v. : OF CLEARFIELD COUNTY, PENNSYLVANIA  
TRI WOODS, INC., a : CIVIL DIVISION - LAW  
Pennsylvania Corporation, :  
Defendant : NO. 2005-1378-CD

PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT

TO THE PROTHONOTARY:

1. Enter default judgment against defendant for failure to plead within twenty (20) days of service of the complaint and for failure to plead within ten (10) days of notice of praecipe for entry of default judgment in the amount of \$38,159.00 together with interest and costs of suit.
2. Undersigned counsel hereby certifies that written notice of intention to file this praecipe was mailed to the defendant and to any counsel of record on October 26, 2005, which is after default occurred and at least ten (10) days prior to the date of this praecipe.
3. A copy of the notices of intention of filing this praecipe are attached hereto.

Respectfully Submitted,

ELY & SMITH

By \_\_\_\_\_

Edwin W. Smith, Esquire  
Attorney for Plaintiff  
23 West Tenth Street  
Erie, PA 16501  
814/455-1381

DATE: January 17, 2006

FILED No cc  
M 11:10 AM Atty pd. 20.00  
JAN 19 2006 Notice to Def.  
William A. Shaw Statement to  
Prothonotary/Clerk of Courts Atty

NORTH STATE HARDWOODS, Plaintiff : IN THE COURT OF COMMON PLEAS  
v. : OF CLEARFIELD COUNTY, PENNSYLVANIA  
TRI WOODS, INC., a Pennsylvania Corporation, Defendant : CIVIL DIVISION - LAW  
: : NO. 2005-1378-CD

NOTICE

TO: Tri Woods, Inc.  
305 Aspen Way  
Dubois, PA 15801

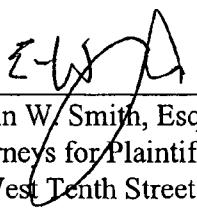
DATE OF NOTICE: October 26, 2005

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Edwin W. Smith, Esquire  
Attorneys for Plaintiff  
23 West Tenth Street  
Erie, PA 16501  
814/455-1381

ANNE ARUNELLE, ET AL.

RECEIVED  
BOSTON, MASSACHUSETTS  
BOSTON, MASSACHUSETTS

**FILED**

JAN 19 2006

William A. Shaw  
Prothonotary/Clerk of Courts

NORTH STATE HARDWOODS, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
v.  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
TRI WOODS, INC., a : CIVIL DIVISION - LAW  
Pennsylvania Corporation, :  
Defendant : NO. 2005-1378-CD



*COPY*

TO: Tri Woods, Inc.  
305 Aspen Way  
DuBois, PA 15801

- ( x ) Notice is hereby given that a judgment in the above-captioned matter has been entered against you in the amount of \$38,159.00 on January 19, 2008.
- ( ) A copy of all documents filed with the Prothonotary in support of the within judgment is/are enclosed.

Prothonotary Division  
Clerk of Records

By \_\_\_\_\_

If you have any questions regarding this Notice, please contact the filing party:

Edwin W. Smith, Esquire  
23 West Tenth Street  
Erie, PA 16501  
814/455-1381

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

North State Hardwoods  
Plaintiff(s)

No.: 2005-01378-CD

Real Debt: \$38,159.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Tri Woods, Inc.  
Defendant(s)

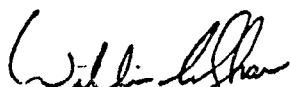
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: January 19, 2006

Expires: January 19, 2011

Certified from the record this 19th day of January, 2006.



\_\_\_\_\_  
William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney

NORTH STATE HARDWOODS, : IN THE COURT OF COMMON PLEAS  
Plaintiff : OF CLEARFIELD COUNTY, PENNSYLVANIA  
v : CIVIL DIVISION - LAW  
TRI WOODS, INC., a :  
Pennsylvania Corporation, :  
Defendant : NO. 2005-1378-CD

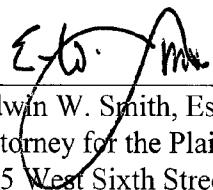
NOTICE OF DEPOSITION

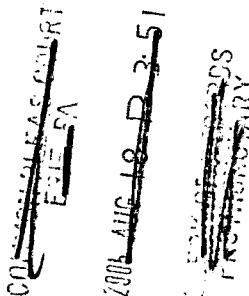
Please take notice that the deposition of Dustin J. Horchen has been scheduled for August 29, 2006 at 3 p.m. at the offices of SHAPIRA, HUTZELMAN, BERLIN, ELY, SMITH & WALSH located at 305 West Sixth Street, Erie, PA 16507.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of August, 2006, a copy of the within notice was duly served on the persons stated below at their addresses as indicated, by First Class United States Mail, postage paid, or as otherwise indicated below.

By

  
Edwin W. Smith, Esq.  
Attorney for the Plaintiff  
305 West Sixth Street  
Erie, PA 16507  
814-452-6800

  
COURT OF COMMON PLEAS  
CLEARFIELD COUNTY  
2005-1378-CD-251  
2005-1378-CD-252

**FILED** *mti 3504* *cc*  
*AUG 23 2006* *S*

William A. Shaw  
Prothonotary/Clerk of Courts

Copy to:

Dustin J. Horchen, President  
Tri-Woods, Inc.  
305 Aspen Way  
Du Bois, Pa 15801

Annette Seager Reporting  
243 Cambridge Road  
Erie, Pa 16511

**FILED**

AUG 23 2006

William A. Shaw  
Prothonotary/Clerk of Courts